

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 67, Granting permission to J. L. Kelley and wife to bring suit against the State of Texas.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 64, Granting J. H. Ferrel, Trustee, permission to make the State of Texas a party defendant in a suit to foreclose vendor's lien against a certain lot in Abilene.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 59, Providing for a monthly allowance in the grants given to old age assistance recipients for the specific purpose of paying for burial insurance policies.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

## FIFTY-EIGHTH DAY

(Continued)

(Tuesday, April 22, 1941)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Leonard.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, humbly we thank Thee for Thy blessings that come to us hour by hour. We thank Thee for our immunity from the desperate ills that have befallen so many. We

thank Thee for our duties and the pleasant associations of this time and place. And if our work shall please Thee and bless our people, we will give Thee the praise and the honor, in Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

Mr. Kinard was granted leave of absence for today on account of important business, on motion of Mr. Montgomery.

Mr. Manford was granted temporary leave of absence for today on account of illness, on motion of Mr. Matthews.

## HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Crossley and Mr. Burkett:

H. B. No. 945, A bill to be entitled "An Act making provision for a District Attorney for the 91st Judicial District of Texas, and an Assistant District Attorney and stenographer in said district, and providing that the district attorney for the 91st Judicial District shall perform the duties of district attorney for the 88th Judicial District of Texas in addition to the duties of district attorney for the 91st Judicial District of Texas without additional compensation therefor; providing that said district attorney shall represent the State in all cases in all courts in said 91st Judicial District; providing that said district attorney shall receive as compensation an amount of money annually, payable in twelve equal installments, of not less than the total sum earned as compensation by the person performing the duties of the office of Criminal District Attorney in said district during the year 1935, said salary to be paid out of the County Officer's Salary Fund of Eastland County, but the State shall pay into such fund each year an amount equal to a sum which bears the same proportion to the total salary of such officer as all felony fees collected by the person performing the duties of the office of Criminal District Attorney in

said district during said year of 1935 bear to the total fees collected by such official during said year; providing that the person now performing the duties of Criminal District Attorney in said 91st Judicial District shall continue to hold and exercise the duties of said office for the remainder of the term for which he was elected and until his successor is duly elected and qualified, and he shall receive such compensation as provided by this Act; enacting the necessary provisions in reference to the appointment of an assistant district attorney and a stenographer, and providing for the compensation of each; making provision for all other things necessary and incidental to the main purpose of this Act; and declaring an emergency."

Referred to the Committee on Judiciary and Uniform State Laws.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 22, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 187, A bill to be entitled "An Act to facilitate the cooperation of this State with other units of government, determining the membership of the Board, and establishing the Texas Commission on Interstate Cooperation, etc.; and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

S. B. No. 187, to the Committee on State Affairs.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 434, "An Act relating to marks and brands of live stock in Austin County only, etc.; and declaring an emergency."

H. B. No. 80, "An Act providing for the employment in all counties having a population of not less than three hundred and twenty thousand (320,000) nor more than three hundred and fifty thousand (350,000), according to the last preceding Federal Census, of two (2) rural school supervisors; prescribing the qualifications and duties of said supervisors and defining their powers; providing the compensation to be paid to such supervisors and the method of paying same, etc.; and declaring an emergency."

H. B. No. 804, "An Act providing for issuing refunding bonds where the original bonds are now owned by two or more school entities, including common school districts, independent school districts, and cities which have assumed control of their schools or which constitute independent school districts."

H. B. No. 288, "An Act to authorize the County Commissioners of any county having a County Court at Law to appoint an official interpreter for the County Court at Law in such county; to provide for the salary of such interpreter and to prescribe his duties and providing for the oath of such interpreter."

H. B. No. 235, "An Act amending Section 6 of Senate Bill No. 481, being Chapter 185 of the Acts of the Forty-second Legislature, Regular Session, page 311 (1931); appropriating examination fees provided for in said Act to Special Land Board for the purpose of defraying all expenses incident to the enforcement of said Act; providing for the drawing of warrants by the Comptroller on requisition of the Commissioner of the General Land Office, etc.; and declaring an emergency."

H. B. No. 371, "An Act authorizing independent school districts and cities which have assumed control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities,

and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same, etc.; and declaring an emergency."

H. B. No. 709, "An Act providing for all counties having a population of not less than twenty-nine thousand two hundred and forty (29,240) and not more than twenty-nine thousand two hundred and fifty (29,250) according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1 of each year the sum of three (\$3.00) dollars; for the summons of persons in said counties for work on the public roads, said summons when issued shall compel the persons to appear the following day after summons for road duty, and repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 855, "An Act providing (1) an open seasons for quail in Henderson County from December 1 in one year to January 16 in the following year, both days inclusive; (2) that it shall be lawful to kill quail in Henderson County on Monday, Wednesday and Friday of each week, after the 1st day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time each year thereafter on the same days of the week, etc.; and declaring an emergency."

H. B. No. 359, "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, 45th Legislature, page 1296, Chapter 482, Section 1; and declaring an emergency."

H. C. R. No. 68, To grant Dr. J. R. Nichols and wife permission to sue the State.

H. C. R. No. 67, To grant J. L. Kelley and wife permission to sue the State.

# INVITING HONORABLE ANDREW JACKSON HOUSTON TO ADDRESS THE HOUSE

Mr. Carlton offered the following resolution:

H. S. R. No. 219, Inviting Honorable Andrew Jackson Houston to Address the House.

Whereas, The Honorable W. Lee O'Daniel, Governor of Texas, has appointed Honorable Andrew Jackson Houston as United States Senator from Texas to fill the vacancy occasioned by the death of the late Morris Sheppard; and

Whereas, Governor O'Daniel has appointed a man with outstanding heritage, the son of one of Texas' greatest and most eminent statesmen and patriots; and

Whereas, This Nation is faced with one of the greatest emergencies in its history and with questions of momentous importance to be decided; and

Whereas, The House of Representatives of Texas is vitally interested in hearing these matters of such grave importance discussed; now, therefore, be it

Resolved, That the Honorable Andrew Jackson Houston, Junior United States Senator from Texas, be invited to address the House on Friday morning, April 25, at 11:00 a. m., and that the Chief Clerk of the House of Representatives be directed to forward a copy of this resolution to Senator Andrew Jackson Houston.

CARLTON.

The resolution was read second time.

On the motion of Mr. Morse, the names of the following Members of the House were added to the resolution as signers thereof:

Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Bray, Bridgers, Brown, Bullock, Bundy, Burkett, Burnaman, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crowthwait, Daniel, Davis, Deen, Dickson, Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Fa-

vors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lehman, Leyendecker, Little, Lock, Love, Lucas, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

The resolution was then adopted by the following vote:

## Yeas—104

Allen	Fitzgerald
Allison	Fuchs
Alsup	Gandy
Avant	Goodman
Bailey	Halsey
Baker	Hanna
Benton	Hardeman
Boone	Harris of Dallas
Brown	Heflin
Bullock	Helpinstill
Bundy	Henderson
Carlton	Hobbs
Carrington	Howington
Cato	Hoyo
Celaya	Huddleston
Clark	Huffman
Coker	Hughes
Colson, Mrs.	Humphrey
Connelly	Isaacks
Craig	Kelly
Daniel	Kennedy
Davis	Kersey
Deen	Klingeman
Dickson of Nolan	Knight
Duckett	Lansberry
Ellis	Lehman
Eubank	Lock
Evans	Lucas
Favors	McAlister
Ferguson	McCann
Files	McDonald

McGlasson	Ridgeway
McLellan	Rhodes
McMurry	Roark
McNamara	Roberts
Manning	Senterfitt
Markle	Sharpe
Martin	Shell
Matthews	Skiles
Montgomery	Smith of Bastrop
Moore	Smith of Atascosa
Morris	Spacek
Morse	Stinson
Murray	Stubbs
Nicholson	Taylor
Pace	Thornton
Pevehouse	Turner
Phillips	Vale
Price	Walters
Rampy	Wattner
Reed of Bowie	Weatherford
Reed of Dallas	Winfree

## Nays—16

Brawner	King
Bridgers	Love
Bruhl	Lowry
Cleveland	Lyle
Dickson of Bexar	Mills
Harris of Hill	Spangler
Hileman	Stanford
Jones	Voigt

## Present—Not Voting

Burnaman	Hutchinson
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## Absent

Anderson	Gilmer
Bean	Hargis
Bell	Hartzog
Blankenship	Howard
Bray	Leyendecker
Burkett	Manford
Chambers	Morgan
Crossley	Parker
Crosthwait	Sallas
Dove	Simpson
Dwyer	White
Garland	Whitesides

## Absent—Excused

Donald	Little
Kinard	

# RELATIVE TO ANNUAL MEETING OF THE NATIONAL TUBERCULOSIS ASSOCIATION

Mr. Anderson offered the following resolution:

H. S. R. No. 221, Relative to Annual Meeting of the National Tuberculosis Association.

Whereas, The National Tuberculosis Association will hold its 37th annual meeting in San Antonio, Texas, May 5th to 8th, 1941; and

Whereas, At this meeting leading medical authorities throughout the United States, Canada, and Central and South American countries will discuss measures for the prevention, treatment and cure of tuberculosis; and

Whereas, The Forty-seventh Legislature desires to lend its support to all efforts to reduce the toll from this dread disease in our State and Nation;

Therefore be it resolved, That Members of this Legislature who can officially be excused at any time between the dates of May 5th and 8th, accept the invitation of Dr. H. Frank Carman, Representative Director from Texas on the Board of the National Tuberculosis Association, to attend any or all sessions of this meeting in San Antonio.

The resolution was read second time and was adopted.

#### RELATIVE TO HOUSE BILL NO. 941

The House resumed consideration of the motion by Mr. Favors that the House resolve itself into a Committee of the Whole House at 2:00 o'clock p. m., Monday, April 21, for the purpose of considering House Bill No. 941, and point of order by Mr. Morris against the motion by Mr. Favors on the ground that the Rules provide that a public hearing shall be given all bills of a controversial nature and a forty-eight-hour notice posted before same can be considered.

(Mr. Hanna in the Chair.)

The Chair overruled the point of order.

Mr. Morris raised a point of order on further consideration of the motion by Mr. Favors at this time, on the ground that the motion provided that the House sit at 2:00 o'clock p. m. Monday and that time has now passed.

The Chair sustained the point of order.

(Speaker in the Chair.)

Mr. Favors moved that the House now resolve itself into a Committee of the Whole House for the purpose of taking up and considering, at this time, House Bill No. 941.

Mr. Morris raised a point of order on further consideration of the motion by Mr. Favors, on the ground that the motion requires a two-thirds vote inasmuch as the routine motion period has expired.

The Speaker sustained the point of order.

Mr. Morris raised a point of order on further consideration of the motion at this time, on the ground that in order for the House to resolve itself into a Committee of the Whole House at this time a suspension of Joint Rules is required and requires a concurrent resolution.

The Speaker overruled the point of order.

Mr. Favors moved to suspend the Rules for the purpose of making the above motion that the House now resolve itself into a Committee of the Whole House to consider House Bill No. 941.

The motion to suspend the Rules prevailed by the following vote:

#### Yeas—103

Allen	Dickson of Bexar
Allison	Dickson of Nolan
Anderson	Dove
Avant	Duckett
Bailey	Dwyer
Baker	Ellis
Benton	Eubank
Blankenship	Evans
Boone	Favors
Bruhl	Ferguson
Bullock	Fitzgerald
Bundy	Fuchs
Burkett	Gandy
Burnaman	Goodman
Carrington	Hanna
Cato	Hargis
Chambers	Harris of Hill
Cleveland	Helpinstill
Colson, Mrs.	Henderson
Connelly	Hileman
Craig	Hobbs
Crossley	Hoyo
Daniel	Huddleston
Davis	Huffman
Deen	Humphrey

Hutchinson	Pace
Jones	Parker
Kelly	Pevehouse
Kennedy	Price
Kersey	Rampy
King	Reed of Bowie
Klingeman	Reed of Dallas
Knight	Ridgeway
Lehman	Rhodes
Lock	Roark
Love	Roberts
Lowry	Sallas
Lucas	Senterfitt
McCann	Sharpe
McGlasson	Simpson
McLellan	Smith of Bastrop
McMurry	Spacek
McNamara	Stinson
Manford	Stubbs
Manning	Thornton
Martin	Turner
Matthews	Walters
Mills	Wattner
Montgomery	Weatherford
Moore	Whitesides
Morgan	Winfree
Murray	

## Nays—30

Alsup	Lansberry
Bell	Leyendecker
Brawner	Lyle
Bray	McAlister
Bridgers	Markle
Brown	Morris
Carlton	Nicholson
Coker	Phillips
Files	Skiles
Gilmer	Smith of Atascosa
Harris of Dallas	Spangler
Hartzog	Stanford
Howington	Taylor
Hughes	Vale
Isaacks	Voigt

## Present—Not Voting

Hardeman

## Absent

Bean	Heflin
Celaya	Howard
Clark	McDonald
Crothwait	Morse
Garland	Shell
Halsey	

## Absent—Excused

Donald	Little
Kinard	White

## PAIRED

Mr. Hardeman (present), who would vote "nay," with Mr. White (absent), who would vote "yea."

Mr. Favors then moved that the House now resolve itself into a Committee of the Whole House for the purpose of taking up and considering at this time, House Bill No. 941.

The motion prevailed.

## IN THE COMMITTEE OF THE WHOLE HOUSE

(Mr. Daniel in the Chair.)

On motion of Mr. Favors, the House, at 10:41 o'clock a. m., resolved itself into a Committee of the Whole House for the purpose of considering House Bill No. 941.

## IN THE HOUSE

(Speaker in the Chair.)

At 3:30 o'clock p. m., Mr. Daniel, Chairman of the Committee of the Whole House, reported to the House that the Committee desired to rise, report progress and ask leave of the House to sit again at the will of the House.

## BILLS ORDERED NOT PRINTED

On motion of Mr. Hardeman, Senate Bill No. 312 was ordered not printed.

On motion of Mr. Stinson, House Bill No. 860 was ordered not printed.

On motion of Mr. Favors, House Bill No. 941 was ordered not printed.

On motion of Mr. Bell, House Bill No. 939 was ordered not printed.

On motion of Mr. Manning, House Bill No. 918 was ordered not printed.

On motion of Mr. Eubank, House Bill No. 922 was ordered not printed.

## HOUSE BILL NO. 941 ON SECOND READING

Mr. Favors moved that the necessary Rules be suspended for the purpose of taking up and considering, at this time, House Bill No. 941.

The motion prevailed by the following vote:

## Yeas—137

Allen	Baker
Allison	Bean
Alsup	Bell
Avant	Benton
Bailey	Blankenship

Boone	Kelly
Brawner	Kennedy
Bridgers	Kersey
Brown	Kinard
Bruhl	King
Bullock	Klingeman
Bundy	Knight
Burkett	Lansberry
Burnaman	Lehman
Carlton	Leyendecker
Carrington	Lock
Cato	Love
Chambers	Lowry
Clark	Lucas
Cleveland	Lyle
Coker	McCann
Colson, Mrs.	McDonald
Connelly	McGlasson
Craig	McMurry
Crossley	McNamara
Crothwait	Manning
Daniel	Markle
Davis	Martin
Deen	Matthews
Dickson of Bexar	Mills
Dickson of Nolan	Montgomery
Dove	Moore
Duckett	Morgan
Dwyer	Morris
Ellis	Morse
Eubank	Murray
Evans	Nicholson
Favors	Pace
Ferguson	Parker
Files	Pevehouse
Fitzgerald	Phillips
Fuchs	Price
Gandy	Rampy
Gilmer	Reed of Bowie
Goodman	Reed of Dallas
Halsey	Ridgeway
Hanna	Rhodes
Hardeman	Roark
Hargis	Roberts
Harris of Dallas	Sallas
Harris of Hill	Senterfitt
Hartzog	Shell
Heflin	Simpson
Helpinstill	Skiles
Henderson	Smith of Bastrop
Hileman	Smith of Atascosa
Hobbs	Spacek
Howard	Spangler
Howington	Stanford
Hoyo	Stinson
Huddleston	Stubbs
Huffman	Thornton
Hughes	Turner
Humphrey	Vale
Hutchinson	Voigt
Isaacks	Walters
Jones	Wattner

Weatherford	Winfree
Whitesides	
	Nays—2
Bray	Taylor
	Absent
Anderson	McAlister
Celaya	McLellan
Garland	Sharpe
	Absent—Excused
Donald	Manford
Little	White

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 941, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the "Social Security Account"; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumulated; repealing all laws in conflict with this Act; and declaring an emergency."

The bill was read second time.

Mr. Morris offered the following committee amendments to the bill:

Amend House Bill No. 941, Section 2, line 5, by striking out the word "monthly."

Amend House Bill No. 941, Section 3, by striking out the word "monthly."

The committee amendments were severally adopted.

Mr. Alsop offered the following committee amendment to the bill:

Amend House Bill No. 941 by striking out Section 2 and adding in lieu thereof the following:

"Sec. 2. The Board of County District Road Indebtedness and the Treasurer of the State of Texas are hereby authorized and directed to invest One Million (\$1,000,000.00) Dollars of monies now in the County and Road District Highway Funds for the purpose of purchasing old age assistance warrants hereafter issued by the State of Texas or that may have heretofore been issued but not cashed or discounted by the original holders thereof drawn upon the Department of Public Welfare

Fund, provided that all such warrants purchased by said Board and Treasurer and paid for out of said fund shall be held by the Treasurer for the use and benefit of the Department of Public Welfare Fund; and that said warrants so purchased out of said funds shall be taken up and held by the Board of County District Road Indebtedness which Board shall reimburse the Department of Public Welfare Fund when sufficient monies have been collected and placed into the old age assistance fund; and the Department of Public Welfare is hereby authorized and directed to make the refund of this investment when sufficient monies have accumulated in the old age assistance fund. There is hereby appropriated One Million (\$1,000,000.00) Dollars out of any monies in the Road District Highway Funds for the purpose of making this investment."

The committee amendment was adopted.

Mr. Kelly moved the previous question on the engrossment of House Bill No. 941, and the main question was ordered.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 941 was then passed to engrossment.

Mr. Eubank moved to reconsider the vote by which the bill was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Bray raised the point of order that the time for the special order has arrived.

The Speaker sustained the point of order.

Mr. Lucas moved that the necessary Rules be suspended for the purpose of taking up and considering, at this time, House Bill No. 941, until disposed of.

The motion prevailed by the following vote:

## Yeas—137

Allen	Henderson
Allison	Hileman
Alsup	Hobbs
Avant	Howard
Bailey	Howington
Baker	Hoyo
Bean	Huddleston
Bell	Huffman
Benton	Hughes
Blankenship	Humphrey
Boone	Hutchinson
Brawner	Isaacks
Bridgers	Jones
Brown	Kelly
Bruhl	Kennedy
Bullock	Kersey
Bundy	Kinard
Burkett	King
Burnaman	Klingeman
Carlton	Knight
Carrington	Lansberry
Cato	Lehman
Chambers	Leyendecker
Clark	Lock
Cleveland	Love
Coker	Lowry
Colson, Mrs.	Lucas
Connelly	Lyle
Craig	McAlister
Crossley	McCann
Crosthwait	McDonald
Daniel	McGlasson
Davis	McLellan
Deen	McMurry
Dickson of Bexar	McNamara
Dickson of Nolan	Manning
Dove	Markle
Duckett	Martin
Dwyer	Matthews
Ellis	Mills
Eubank	Montgomery
Evans	Moore
Favors	Morgan
Ferguson	Morris
Files	Morse
Fitzgerald	Murray
Fuchs	Nicholson
Gandy	Pace
Gilmer	Pevehouse
Goodman	Phillips
Halsey	Price
Hanna	Rampy
Hardeman	Reed of Bowie
Hargis	Reed of Dallas
Harris of Dallas	Ridgeway
Harris of Hill	Rhodes
Hartzog	Roark
Heflin	Roberts
Helpinstill	Sallas



Senterfitt	Stubbs
Shell	Thornton
Simpson	Turner
Skiles	Vale
Smith of Bastrop	Voigt
Smith of Atascosa	Walters
Spacek	Wattner
Spangler	Weatherford
Stanford	Winfree
Stinson	

**Nays—2**

Bray	Taylor
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**Absent**

Anderson	Parker
Celaya	Sharpe
Garland	Whitesides

**Absent—Excused**

Donald	Manford
Little	White

**HOUSE BILL NO. 941 ON  
THIRD READING**

Mr. Favours moved that the Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 941 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—136**

Allen	Colson, Mrs.
Allison	Connelly
Alsup	Craig
Avant	Crossley
Bailey	Crosthwait
Baker	Daniel
Bean	Davis
Bell	Deen
Benton	Dickson of Bexar
Blankenship	Dickson of Nolan
Boone	Dove
Brawner	Duckett
Bridgers	Dwyer
Brown	Ellis
Bruhl	Eubank
Bullock	Evans
Bundy	Favors
Burkett	Ferguson
Burnaman	Files
Carlton	Fitzgerald
Carrington	Fuchs
Cato	Gandy
Chambers	Gilmer
Clark	Goodman
Cleveland	Halsey
Coker	Hanna

Hardeman	Markle
Hargis	Martin
Harris of Dallas	Matthews
Harris of Hill	Mills
Hartzog	Montgomery
Heflin	Moore
Helpinstill	Morgan
Henderson	Morris
Hileman	Morse
Hobbs	Murray
Howard	Nicholson
Howington	Pace
Hoyo	Pevehouse
Huddleston	Phillips
Huffman	Price
Hughes	Rampy
Humphrey	Reed of Bowie
Hutchinson	Reed of Dallas
Isaacks	Ridgeway

Jones	Rhodes
Kelly	Roark
Kennedy	Roberts
Kersey	Sallas
Kinard	Senterfitt
Klingeman	Shell
Knight	Simpson
Lansberry	Skiles
Lehman	Smith of Bastrop
Leyendecker	Smith of Atascosa
Lock	Spacek
Love	Spangler
Lucas	Stanford
Lowry	Stinson
Lyle	Stubbs
McAlister	Thornton
McCann	Turner
McDonald	Vale
McGlasson	Voigt
McLellan	Walters
McMurry	Wattner
McNamara	Weatherford
Manning	Winfree

**Nays—2**

Bray	Taylor
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**Absent**

Anderson	Parker
Celaya	Sharpe
Garland	Whitesides
King	

**Absent—Excused**

Donald	Manford
Little	White

The Speaker then laid House Bill No. 941 before the House on third reading and final passage.

The bill was read third time.

Mr. Goodman offered the following amendment to the bill:

Amend House Bill No. 941 by striking out all below enacting clause and inserting in lieu thereof the following:

Whereas, The people of Texas on August 24, 1935, adopted an amendment to the Constitution of this State authorizing the payment of old age assistance; and

Whereas, No adequate provision has been made to provide the funds for old age assistance and as a result we have thousands of old people in this State who are today suffering because of the failure of the Government to carry out its obligation; and

Whereas, It will require in excess of Twenty-one Million, Three Hundred and Twenty Thousand Dollars (\$21,320,000.00) in addition to funds now available to meet this obligation in accordance with the standards set by the Acts of the Forty-sixth Legislature; and

Whereas, On August 23, 1937, the people adopted an amendment to the Constitution of this State authorizing aid to the needy blind; it will require at least Five Hundred Thousand Dollars (\$500,000.00) annually to meet said obligation and thus far no appropriation has been made to accomplish this purpose; and

Whereas, On August 23, 1937, the people adopted an amendment to the Constitution of this State authorizing aid to the extent of One Million Five Hundred Thousand Dollars (\$1,500,000.00) annually to care for dependent children and thus far no appropriation has been made to meet this obligation; and

Whereas, The people of Texas in November, 1936, adopted an amendment to the Constitution of Texas authorizing the Legislature to establish a Teacher Retirement System; and

Whereas, The Regular Session of the Forty-fifth Legislature in 1937 did establish the Teacher Retirement System; and

Whereas, The teachers of Texas, beginning September 1, 1937, have been and are continuing to contribute five per cent (5%) of their monthly salary to said fund now amounting to approximately Nine Million Dollars (\$9,000,000.00); and

Whereas, The State of Texas has thus far failed to provide for its

part of the Teacher Retirement Fund as provided in the Constitution of the State and the Statutes thereof;

Therefore,

Be It Enacted by the Legislature of the State of Texas:

Section 1. There is hereby created in the office of the State Treasury an account to be known as the "Social Security Account."

Sec. 2. From and after the effective date of this Act the Treasurer of the State of Texas, as he receives any and all moneys from all sources of revenue for the use and benefit of and which under present laws would go into the General Fund of the State, shall, before depositing any such moneys to the credit of the General Fund of the State, set apart out of the first moneys thus received, and deposit to the credit of the "Social Security Account" the sum of Two Million, Two Hundred Thirty-five Thousand Dollars (\$2,235,000.00) each month, less an amount equal to any and all revenue which shall be received into such "Social Security Account" each month by virtue of any law which becomes effective after April 21, 1941. If a deficiency should occur in the amount to be allocated by this Act in any month on account of insufficient revenue, such deficiency shall carry forward to succeeding months and be liquidated by the revenue received in succeeding months.

Sec. 3. Out of the first money paid into the said "Social Security Account," the Treasurer shall transfer monthly to the credit of the State Accumulation Fund of the Teacher Retirement System of Texas Two Hundred Ninety-two Thousand Dollars (\$292,000.00) until such time as the total amount on deposit to the credit of said fund shall equal the sum of all amounts which have by then been contributed and deposited by the members of said Teacher Retirement System. After such time it shall be the duty of the Treasurer of the State of Texas to transfer monthly to the State Accumulation Fund of the Teacher Retirement System only such amount as will be necessary to meet current payments made by members of the said Teacher Retirement System.

Sec. 4. After transferring the moneys necessary to meet the re-

quirements of the Teacher Retirement System as provided in Section 3, it shall be the duty of the State Treasurer on the first day of each month thereafter to transfer to the State Department of Public Welfare Fund all moneys which have accumulated in the "Social Security Account"; and the funds so transferred to the State Department of Public Welfare Fund shall be used by the State Department of Public Welfare as follows: Twenty-one Million, Three Hundred Twenty Thousand Dollars (\$21,320,000.00) annually shall be used to supplement other funds now being collected for the purpose of paying old age assistance; One Million Five Hundred Thousand Dollars (\$1,500,000.00) annually shall be used for the care of destitute children as provided in Section 51-d of Article III of the Constitution of this State; and Five Hundred Thousand Dollars (\$500,000) annually shall be used for the care of the needy blind as provided in Section 51-c of Article III of the Constitution of this State.

Sec. 5. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The fact that the State of Texas has thus far failed to meet its obligation to provide the State's portion of the cost of the Teacher Retirement System, the further fact that it has failed to make provision for the care of destitute children and care of the needy blind as provided in the Constitution of this State, and it has failed to provide the money to pay old age assistance as provided for in the Constitution of Texas and as provided for by the Act of the last Session of the Legislature, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House of the Legislature, be and the same is hereby suspended, and that this Act shall be effective immediately from and after its passage, and it is so enacted.

Mr. Alsup raised a point of order on further consideration of the amendment by Mr. Goodman at this time, on the ground that the amendment is not germane to the bill.

The Speaker sustained the point of order.

Mr. Alsup offered the following amendment to the bill:

Amend House Bill No. 941 by providing \$1,250,000 instead of \$1,000,000.

The amendment was adopted by the following vote:

Yeas—138

Allen	Harris of Dallas
Allison	Harris of Hill
Alsup	Hartzog
Avant	Heflin
Bailey	Helpinstill
Baker	Henderson
Bean	Hileman
Benton	Hobbs
Blankenship	Howard
Boone	Howington
Brawner	Hoyo
Bridgers	Huddleston
Brown	Huffman
Bruhl	Hughes
Bullock	Humphrey
Bundy	Hutchinson
Burkett	Isaacks
Burnaman	Jones
Carlton	Kelly
Carrington	Kennedy
Cato	Kersey
Chambers	Kinard
Clark	King
Cleveland	Klingeman
Coker	Knight
Colson, Mrs.	Lansberry
Connelly	Lehman
Craig	Leyendecker
Crossley	Lock
Crosthwait	Love
Daniel	Lowry
Davis	Lucas
Deen	Lyle
Dickson of Bexar	McAlister
Dickson of Nolan	McCann
Dove	McDonald
Duckett	McGlasson
Dwyer	McLellan
Ellis	McMurry
Eubank	McNamara
Evans	Manning
Favors	Markle
Ferguson	Martin
Files	Matthews
Fitzgerald	Mills
Fuchs	Montgomery
Gandy	Moore
Gilmer	Morgan
Goodman	Morris
Halsey	Morse
Hanna	Murray
Hardeman	Nicholson
Hargis	Pace

Pevehouse	Smith of Atascosa
Phillips	Spacek
Price	Spangler
Rampy	Stanford
Reed of Bowie	Stinson
Reed of Dallas	Stubbs
Ridgeway	Taylor
Rhodes	Thornton
Roark	Turner
Roberts	Vale
Sallas	Voigt
Senterfitt	Walters
Shell	Wattner
Simpson	Weatherford
Skiles	Whitesides
Smith of Bastrop	Winfree

## Nays—1

Bray

## Absent

Anderson	Garland
Bell	Parker
Celaya	Sharpe

## Absent—Excused

Donald	Manford
Little	White

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 941 was then passed by the following vote:

## Yeas—136

Allen	Cleveland
Allison	Coker
Alsup	Colson, Mrs.
Avant	Connelly
Bailey	Craig
Baker	Crossley
Bean	Crosthwait
Bell	Daniel
Benton	Davis
Blankenship	Deen
Boone	Dickson of Bexar
Brawner	Dove
Bridgers	Duckett
Brown	Dwyer
Bruhl	Ellis
Bullock	Eubank
Bundy	Evans
Burkett	Favors
Burnaman	Ferguson
Carlton	Files
Carrington	Fitzgerald
Cato	Fuchs
Chambers	Gandy
Clark	Gilmer

Goodman	Manning
Halsey	Markle
Hanna	Martin
Hardeman	Matthews
Hargis	Mills
Harris of Dallas	Montgomery
Harris of Hill	Moore
Hartzog	Morgan
Heflin	Morris
Helpinstill	Morse
Henderson	Murray
Hileman	Nicholson
Hobbs	Pace
Howard	Pevehouse
Howington	Phillips
Hoyo	Price
Huddleston	Rampy
Hughes	Reed of Bowie
Humphrey	Reed of Dallas
Hutchinson	Ridgeway
Isaacks	Rhodes
Jones	Roark
Kelly	Roberts
Kennedy	Sallas
Kersey	Senterfitt
Kinard	Shell
King	Simpson
Klingeman	Skiles
Knight	Smith of Bastrop
Lansberry	Smith of Atascosa
Lehman	Spacek
Leyendecker	Spangler
Lock	Stanford
Love	Stinson
Lowry	Stubbs
Lucas	Thornton
Lyle	Turner
McAlister	Vale
McCann	Voigt
McDonald	Walters
McGlasson	Wattner
McLellan	Weatherford
McMurry	Whitesides
McNamara	Winfree

## Nays—3

Bray	Taylor
Dickson of Nolan	

## Absent

Anderson	Huffman
Celaya	Parker
Garland	Sharpe

## Absent—Excused

Donald	Manford
Little	White

Mr. Eubank moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

### EXCUSING EMPLOYEES OF THE HOUSE

Mr. Blankenship offered the following resolution:

H. S. R. No. 220, Excusing Employees of the House to attend certain show.

Whereas, The David Graham Hall Foundation and Texas Social Hygiene Association have invited the Members of the Senate and House of Representatives to attend a special showing of the picture, "The Magic Bullet," starring Edward G. Robinson, portraying the life of the late eminent scientist and Nobel Prize winner, Dr. Paul Erlick, at the Paramount Theatre in Austin, Texas, Wednesday, April 23, 1941, at eight o'clock a. m.; and

Whereas, Such picture will last approximately one hour and thirty minutes; and

Whereas, It is a picture of unusual educational importance and value and should be viewed by as many as possible; now, therefore, be it

Resolved, by the House of Representatives, That the employees of the House, who may desire to attend said picture, be excused until 9:50 a. m. on the morning of April 23, 1941.

The resolution was read second time and was adopted.

### EXPRESSING SYMPATHY OF THE HOUSE TO ERNEST BOYETT

Mr. Kersey offered the following resolution:

H. S. R. No. 223, Expressing Sympathy of the House to Ernest Boyett.

Whereas, Our genial and capable Sergeant at Arms, Ernest Boyett, is confined at home with an attack of influenza; and

Whereas, The House of Representatives misses his smiling countenance on the floor of this House; now, therefore, be it

Resolved, by the House of Representatives, That we hereby wish for him a speedy recovery; and be it further

Resolved, That the Chief Clerk of the House is hereby instructed to send flowers to his bed side and that he be given a copy of this resolution.

KERSEY.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crowthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Humphrey, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

### HOUSE BILL NO. 373 WITH SENATE AMENDMENTS

Mr. Blankenship called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 373, A bill to be entitled "An Act further regulating the prescribing of liquor for medicinal purposes and the transportation, storage and sale thereof by amending

subsection (11) and (16) of Section 15, Article 1, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature, as amended by H. B. No. 5, Acts of the Regular Session of the Forty-fifth Legislature, and by the addition of a new subsection (19) to said Section 15, Article 1; prescribing penalties; providing saving clauses; and declaring an emergency."

Mr. Blankenship moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 22, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 405.

The following have been appointed on the part of the Senate:

Senators Brownlee, Sulak, York, Stone and Kelley.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 247.

The following have been appointed on the part of the Senate:

Senators Metcalfe, Fain, Hazlewood, Graves and Formby.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 272 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 272, A bill to be entitled "An Act fixing appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed in

determining said appropriations; requiring audits; making appropriations for the support, maintenance, buildings, and improvements of the several State institutions of higher learning for the two fiscal years, beginning September 1, 1941, and ending August 31, 1943, both dates inclusive; and for certain other educational agencies of the State; prescribing certain restrictions concerning the expenditures of said appropriations; containing a saving clause; and declaring an emergency."

The bill was read second time.

Mr. Reed of Dallas offered the committee amendment to the bill.

(On motion of Mr. Reed of Dallas, the committee amendment was ordered not printed in the Journal, same being the printed bill.)

Mr. Craig offered the following amendment to the committee amendment:

Amend House Bill No. 272 by striking out subsection (19), page 191.

CRAIG,  
THORNTON,  
KLINGEMAN.

The amendment was adopted.

Mr. Alsup offered the following amendment to the committee amendment:

Amend House Bill No. 272, General Provisions, subsection (2), by striking out all of said subsection after the word "agencies" in line 30, page 184, to and including the word "received" in line 3, page 185.

ALSUP,  
KERSEY.

The amendment was adopted.

Mr. Reed of Bowie offered the following amendment to the committee amendment:

Amend House Bill No. 272, page 4, line 24, by striking out figures five thousand, five hundred (5,500) and inserting in lieu thereof five thousand (5,000).

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion

to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—85

Allison	Klingeman
Alsup	Lehman
Avant	Leyendecker
Bell	Lock
Blankenship	Love
Boone	Lyle
Brawner	McAlister
Bray	McDonald
Bridgers	McLellan
Brown	McMurry
Bruhl	Manning
Bullock	Markle
Burnaman	Matthews
Carlton	Montgomery
Carrington	Morgan
Cato	Morse
Chambers	Pace
Clark	Phillips
Cleveland	Price
Craig	Rampy
Crosthwait	Reed of Dallas
Dickson of Bexar	Ridgeway
Dickson of Nolan	Roberts
Duckett	Sallas
Dwyer	Senterfitt
Ellis	Simpson
Eubank	Skiles
Evans	Smith of Bastrop
Ferguson	Smith of Atascosa
Files	Spacek
Gilmer	Spangler
Halsey	Stanford
Hardeman	Stinson
Heflin	Stubbs
Henderson	Thornton
Howard	Turner
Hoyo	Vale
Huffman	Voigt
Hughes	Walters
Humphrey	Wattner
Jones	Weatherford
Kennedy	Whitesides
Kinard	

## Nays—31

Bailey	Fitzgerald
Baker	Fuchs
Benton	Hanna
Burkett	Hargis
Coker	Harris of Hill
Connelly	Hileman
Daniel	Hobbs
Davis	Howington
Deen	Huddleston
Dove	King

Knight	Murray
Lucas	Parker
McCann	Reed of Bowie
McGlasson	Rhodes
McNamara	Roark
Mills	

## Absent

Allen	Isaacks
Anderson	Kelly
Bean	Kersey
Bundy	Lansberry
Celaya	Lowry
Colson, Mrs.	Martin
Crossley	Moore
Favors	Morris
Gandy	Nicholson
Garland	Pevehouse
Goodman	Sharpe
Harris of Dallas	Shell
Hartzog	Taylor
Helpinstill	Winfree
Hutchinson	

## Absent—Excused

Donald	Manford
Little	White

Mr. Reed of Bowie offered the following amendment to the committee amendment:

Amend House Bill No. 272, page 23, line 12, by striking out the figures \$6,000.00 and inserting in lieu thereof \$5,500.00.

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—84

Allison	Cato
Alsup	Celaya
Avant	Clark
Bean	Cleveland
Bell	Craig
Blankenship	Crosthwait
Boone	Dickson of Bexar
Bray	Dickson of Nolan
Bridgers	Duckett
Brown	Dwyer
Bruhl	Ellis
Bullock	Eubank
Burnaman	Evans
Carrington	Ferguson

Files	Montgomery
Fitzgerald	Morgan
Gilmer	Morse
Halsey	Pace
Hardeman	Pevehouse
Hargis	Phillips
Heflin	Price
Helpinstill	Reed of Dallas
Henderson	Ridgeway
Hoyo	Roberts
Huffman	Senterfitt
Hughes	Sharpe
Humphrey	Shell
Jones	Simpson
Kennedy	Skiles
Kinard	Smith of Bastrop
Klingeman	Smith of Atascosa
Lehman	Spacek
Leyendecker	Spangler
Love	Stanford
Lyle	Stinson
McAlister	Stubbs
McDonald	Thornton
McLellan	Turner
McMurry	Vale
Manning	Walters
Markle	Wattner
Matthews	Weatherford

## Nays—34

Bailey	Howington
Baker	Huddleston
Benton	King
Bundy	Knight
Burkett	Lucas
Chambers	McCann
Coker	McGlasson
Connelly	McNamara
Daniel	Mills
Davis	Murray
Deen	Parker
Dove	Rampy
Fuchs	Reed of Bowie
Hanna	Rhodes
Harris of Hill	Roark
Hileman	Sallas
Hobbs	Voigt

## Absent

Allen	Howard
Anderson	Hutchinson
Brawner	Isaacks
Carlton	Kelly
Colson, Mrs.	Kersey
Crossley	Lansberry
Favors	Lock
Gandy	Lowry
Garland	Martin
Goodman	Moore
Harris of Dallas	Morris
Hartzog	Nicholson

Taylor	Winfree
Whitesides	

## Absent—Excused

Donald	Manford
Little	White

Mr. Lowry offered the following amendment to the committee amendment:

Amend House Bill No. 272 by adding subsection 16a:

"The Board of Regents of the University of Texas may appropriate not more than two thousand dollars (\$2,000.00) from local funds for the salary of the President of the University of Texas."

LOWRY,  
DAVIS,  
KNIGHT.

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—69

Allison	Heflin
Avant	Helpinstill
Bean	Henderson
Bell	Howard
Boone	Hoyo
Brawner	Humphrey
Bray	Hutchinson
Bridgers	Jones
Brown	Kelly
Bruhl	Kennedy
Bullock	Klingeman
Carrington	Leyendecker
Chambers	Lock
Clark	Love
Cleveland	Lyle
Colson, Mrs.	McAlister
Crosthwait	McDonald
Daniel	McMurry
Dickson of Bexar	Matthews
Dwyer	Montgomery
Ellis	Morgan
Ferguson	Morse
Files	Phillips
Gandy	Price
Gilmer	Reed of Dallas
Halsey	Sallas
Hardeman	Senterfitt
Hargis	Sharpe
Harris of Dallas	Simpson



Skiles	Thornton
Smith of Atascosa	Turner
Spangler	Vale
Stanford	Walters
Stinson	Weatherford
Stubbs	

## Nays—48

Bailey	Huddleston
Baker	Hughes
Benton	Kinard
Bundy	King
Burkett	Knight
Burnaman	Lehman
Cato	Lowry
Coker	Lucas
Connelly	McGlasson
Craig	McLellan
Crossley	McNamara
Davis	Markle
Deen	Martin
Dove	Mills
Duckett	Murray
Eubank	Pace
Evans	Parker
Fitzgerald	Rampy
Fuchs	Reed of Bowie
Hanna	Rhodes
Harris of Hill	Roark
Hileman	Roberts
Hobbs	Spacek
Howington	Voigt

## Absent

Allen	Lansberry
Alsup	McCann
Anderson	Manning
Blankenship	Moore
Carlton	Morris
Celaya	Nicholson
Dickson of Nolan	Pevehouse
Favors	Ridgeway
Garland	Shell
Goodman	Smith of Bastrop
Hartzog	Taylor
Huffman	Wattner
Isaacks	Whitesides
Kersey	Winfree

## Absent—Excused

Donald	Manford
Little	White

Mr. Hardeman offered the following amendment to the committee amendment:

Amend House Bill No. 272, page 179, by adding an item to be known as Item No. 52, to read as follows:

"52. For purchase and/or improvements of land for use of De-

partment of Animal Husbandry for year ending August 31, 1942, \$25,000.00."

HARDEMAN,  
GILMER.

Question recurring on the amendment by Mr. Hardeman, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—53

Bean	Hutchinson
Bell	Isaacks
Bridgers	Kinard
Brown	Klingeman
Bruhl	Leyendecker
Burkett	Lyle
Carrington	McAlister
Chambers	McGlasson
Clark	McNamara
Crossley	Markle
Davis	Montgomery
Deen	Morgan
Dickson of Bexar	Pevehouse
Dove	Rampy
Duckett	Ridgeway
Ellis	Roberts
Evans	Sallas
Gandy	Shell
Gilmer	Simpson
Halsey	Smith of Atascosa
Hardeman	Spacek
Harris of Hill	Spangler
Heflin	Stubbs
Hobbs	Thornton
Howington	Voigt
Hoyo	Weatherford
Huffman	

## Nays—63

Allison	Eubank
Alsup	Ferguson
Avant	Fitzgerald
Bailey	Fuchs
Baker	Hanna
Benton	Hargis
Boone	Helpinstill
Bray	Henderson
Bullock	Hileman
Bundy	Howard
Cato	Huddleston
Celaya	Hughes
Cleveland	Jones
Coker	Kelly
Colson, Mrs.	Kennedy
Connelly	King
Craig	Knight
Crosthwait	Lehman
Daniel	Lock

Love	Price
Lowry	Reed of Bowie
Lucas	Reed of Dallas
McDonald	Rhodes
McLellan	Roark
McMurry	Senterfitt
Martin	Sharpe
Matthews	Skiles
Mills	Stanford
Morse	Turner
Murray	Vale
Pace	Walters
Parker	

## Absent

Allen	Kersey
Anderson	Lansberry
Blankenship	McCann
Brawner	Manning
Burnaman	Moore
Carlton	Morris
Dickson of Nolan	Nicholson
Dwyer	Phillips
Favors	Smith of Bastrop
Files	Stinson
Garland	Taylor
Goodman	Wattner
Harris of Dallas	Whitesides
Hartzog	Winfree
Humphrey	

## Absent—Excused

Donald	Manford
Little	White

Mr. Bell offered the following amendment to the committee amendment:

Amend House Bill No. 272 by striking out the figures "\$50,000," on page 96, line 37, and inserting in lieu thereof "\$75,000.00."

BELL,  
LYLE.

Question recurring on the amendment by Mr. Bell, it was lost.

Mr. Hileman offered the following amendment to the committee amendment:

Amend House Bill No. 272 by adding subsection 16a,

"The Board of Regents of the University of Texas may appropriate not more than five thousand dollars (\$5,000) from local funds for the President of the University's salary."

HILEMAN,  
LOWRY,  
DAVIS,  
KNIGHT.

Mr. Reed of Dallas moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—72

Allison	Humphrey
Alsup	Hutchinson
Avant	Isaacks
Bean	Jones
Bell	Kennedy
Blankenship	Klingeman
Boone	Lehman
Bray	Leyendecker
Brown	Lock
Bruhl	Love
Bullock	Lyle
Burkett	McAlister
Carrington	McDonald
Cato	McMurry
Chambers	Matthews
Clark	Montgomery
Cleveland	Morgan
Colson, Mrs.	Morris
Connelly	Morse
Crosthwait	Phillips
Daniel	Price
Dickson of Bexar	Reed of Dallas
Dove	Ridgeway
Ellis	Sallas
Evans	Sharpe
Ferguson	Shell
Files	Simpson
Gilmer	Skiles
Halsey	Spangler
Hanna	Stanford
Hargis	Stinson
Heflin	Stubbs
Helpinstill	Turner
Howard	Vale
Hoyo	Walters
Hughes	Weatherford

## Nays—44

Bailey	Fuchs
Baker	Gandy
Benton	Harris of Hill
Bundy	Henderson
Burnaman	Hileman
Coker	Hobbs
Craig	Howington
Crossley	Huffman
Davis	King
Deen	Knight
Duckett	Lowry
Eubank	Lucas
Fitzgerald	McGlasson

McLellan	Reed of Bowie
McNamara	Rhodes
Markle	Roark
Martin	Roberts
Mills	Senterfitt
Murray	Smith of Atascosa
Pace	Spacek
Parker	Thornton
Rampy	Voigt

## Absent

Allen	Kelly
Anderson	Kersey
Brawner	Kinard
Bridgers	Lansberry
Carlton	McCann
Celaya	Manning
Dickson of Nolan	Moore
Dwyer	Nicholson
Favors	Pevehouse
Garland	Smith of Bastrop
Goodman	Taylor
Hardeman	Wattner
Harris of Dallas	Whitesides
Hartzog	Winfree
Huddleston	

## Absent—Excused

Donald	Manford
Little	White

Mr. Hardeman offered the following amendment to the committee amendment:

Amend House Bill No. 272, page 179, by adding Item 52:

"52. For purchase and/or improvement of land for Department of Animal Husbandry for year ending August 31, 1942, \$15,000.00."

HARDEMAN,  
GILMER.

Question recurring on the amendment by Mr. Hardeman, it was adopted.

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 272 was then passed to engrossment.

### HOUSE BILL NO. 272 ON THIRD READING

Mr. Reed of Dallas moved that the

Constitutional Rule requiring bills to be read on three several days be suspended, and that House Bill No. 272 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—114

Allen	Howington
Allison	Hoyo
Alsup	Huddleston
Avant	Huffman
Bailey	Humphrey
Baker	Hutchinson
Bean	Jones
Bell	Kelly
Benton	Kennedy
Blankenship	Kersey
Boone	Klingeman
Brawner	Knight
Bray	Lansberry
Bridgers	Lehman
Brown	Leyendecker
Bruhl	Lock
Bullock	Love
Burnaman	Lowry
Carrington	Lyle
Cato	McAlister
Clark	McDonald
Cleveland	McGlasson
Coker	McLellan
Colson, Mrs.	McMurry
Connelly	Markle
Crossley	Matthews
Crosthwait	Mills
Daniel	Montgomery
Dickson of Bexar	Moore
Dickson of Nolan	Morgan
Dove	Morris
Duckett	Morse
Ellis	Murray
Eubank	Pace
Evans	Pevehouse
Favors	Phillips
Ferguson	Price
Files	Rampy
Fitzgerald	Reed of Bowie
Gandy	Reed of Dallas
Halsey	Ridgeway
Hardeman	Roark
Hargis	Roberts
Harris of Dallas	Sallas
Harris of Hill	Senterfitt
Hartzog	Sharpe
Heflin	Shell
Helpinstill	Simpson
Henderson	Skiles
Hileman	Smith of Atascosa
Hobbs	Spacek
Howard	Spangler
	Stanford

Stinson	Walters
Stubbs	Wattner
Turner	Weatherford
Vale	Whitesides
Voigt	

## Nays—12

Bundy	Lucas
Burkett	McNamara
Craig	Martin
Davis	Parker
Fuchs	Rhodes
King	Thornton

## Absent

Anderson	Hughes
Carlton	Isaacks
Celaya	Kinard
Chambers	McCann
Deen	Manning
Dwyer	Nicholson
Garland	Smith of Bastrop
Gilmer	Taylor
Goodman	Winfree
Hanna	

## Absent—Excused

Donald	Manford
Little	White

The Speaker then laid House Bill No. 272 before the House on third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—115

Allison	Cleveland
Alsup	Coker
Avant	Colson, Mrs.
Bailey	Connelly
Baker	Crossley
Bean	Crosthwait
Bell	Daniel
Benton	Dickson of Bexar
Blankenship	Dickson of Nolan
Boone	Dove
Brawner	Duckett
Bray	Ellis
Bridgers	Eubank
Brown	Evans
Bruhl	Favors
Bullock	Ferguson
Burkett	Files
Burnaman	Fitzgerald
Carrington	Fuchs
Cato	Gandy
Celaya	Halsey
Chambers	Hardeman
Clark	Hargis

Harris of Dallas	Moore
Harris of Hill	Morgan
Hartzog	Morris
Heflin	Murray
Helpinstill	Pace
Henderson	Pevehouse
Hobbs	Phillips
Howard	Price
Hoyo	Rampy
Huddleston	Reed of Bowie
Huffman	Reed of Dallas
Hughes	Ridgeway
Humphrey	Roark
Hutchinson	Roberts
Isaacks	Senterfitt
Jones	Sharpe
Kelly	Shell
Kennedy	Simpson
Kersey	Skiles
Klingeman	Smith of Atascosa
Knight	Spacek
Lansberry	Spangler
Lehman	Stanford
Leyendecker	Stinson
Lock	Stubbs
Love	Taylor
Lyle	Thornton
McAlister	Turner
McDonald	Vale
McGlasson	Voigt
McMurry	Walters
Manning	Wattner
Markle	Weatherford
Matthews	Whitesides
Montgomery	

## Nays—13

Bundy	Lucas
Craig	McLellan
Davis	McNamara
Hileman	Martin
Howington	Mills
King	Parker
Lowry	

## Absent

Allen	Kinard
Anderson	McCann
Carlton	Morse
Deen	Nicholson
Dwyer	Rhodes
Garland	Sallas
Gilmer	Smith of Bastrop
Goodman	Winfree
Hanna	

## Absent—Excused

Donald	Manford
Little	White

Mr. McDonald moved to reconsider the vote by which the bill was

passed, and to table the motion to reconsider.

The motion to table prevailed.

#### PROVIDING FOR THE CONSIDERATION OF LOCAL AND UNCONTESTED BILLS

Mr. Crossley asked unanimous consent that the House meet at 7:30 o'clock p. m., next Thursday for the purpose of taking up and considering local and uncontested bills.

There was no objection offered.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 295, "An Act amending Section 19, subsection h, of Senate Bill No. 5, Acts of the Forty-fourth Legislature, Second Called Session, also known as subsection h of Section 19 of Article 3912e, and all amendments to such Act, by adding thereto subsection h-3 affecting the appointment and salaries of deputies in the offices of District Clerks in all counties of 290,000 inhabitants and over, and less than 390,000 inhabitants, according to the last preceding Federal Census; providing for the method of such appointments and salaries in such counties by the filing of an application with the County Judges of such counties; etc., and declaring an emergency."

H. B. No. 205, "An Act to amend Section 25, Section 31, Section 32 and Section 65 of House Bill No. 407, Chapter 4, page 602 of the Acts of the 46th Legislature, Regular Session (1939); defining 'department'; providing a method and manner of issuing receipts and certificates of title when a lien is disclosed thereon, adding subsection (a) under Section 32 as amended, limiting the use of duplicate copies of said receipts and certificates of title; providing for the transfer of the Certificate of Title Section of the Department of Public Safety of the State of Texas to the Highway Department of the State of Texas and

designating the same as a division within said department; amending the repealing clause of said Act; and creating an emergency."

#### HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Halsey:

H. B. No. 946, A bill to be entitled "An Act creating a Special Road Law for Crosby County, Texas, providing that said county may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of April 10th, 1941, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, or time warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said county in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said county when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Halsey:

H. B. No. 947, A bill to be entitled "An Act creating a special road law for Yoakum County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 12th day of May, 1941; setting forth the method of funding or refunding; validating all acts of the Commissioners' Court in issuing said scrip and time warrants; validating said scrip and time warrants; providing that the general laws of the State of Texas shall be applicable to

Yoakum County when not in conflict herewith; providing this Act shall be cumulative of all General and Special Laws not in conflict herewith; providing a saving clause; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Clark:

H. B. No. 948, A bill to be entitled "An Act creating Eolian Common School District No. 4 wholly established in Stephens County, Texas, including therein the present Eolian Common School District, and certain territory in Stephens County not now a part of said district, defining its metes and bounds within Stephens County and repealing all laws and statutes in conflict herewith; and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Wattner:

H. B. No. 949, A bill to be entitled "An Act providing that it shall be lawful to kill quail in Van Zandt County only on Monday, Wednesday, and Friday of each week after the first day of December, 1941, and continuing until and including the 16th day of January, 1942, and during the same time for each year thereafter on the same days of the week; providing the number of quail that can be killed on any one day; prescribing violations of this Act and providing the penalties therefor; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Rhodes:

H. B. No. 950, A bill to be entitled "An Act authorizing the allowance of traveling expenses for members of the commissioners' court in certain counties; and declaring an emergency."

Referred to the Committee on Counties.

By Mrs. Colson:

H. B. No. 952, A bill to be entitled "An Act providing for the use of certain set nets or gill nets in the waters of Montgomery County; specifying conditions under which such

nets may be used; providing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Leyendecker and Mr. Vale:

H. B. No. 954, A bill to be entitled "An Act amending House Bill No. 884 of the 42nd Legislature, as amended by House Bill No. 1109 of the 46th Legislature, so as to add thereto a new section to be known as Section 1a, following Section 1 thereof, to provide that it shall be lawful to take, capture, shoot or kill Collared Peccary or Javelina in the Counties of Webb, Starr and Zapata at any time; prohibiting the sale of any Collared Peccary or Javelina, or any part of the same, in said counties; prescribing penalties; and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Isaacks asked unanimous consent to introduce at this time and have placed on first reading House Bill No. 951.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Isaacks and Mr. Bridgers:

H. B. No. 951, A bill to be entitled "An Act amending Article 6243B (Acts 1933, Forty-third Legislature, First Called Session, Chapter 101) and amendments thereto by adding thereto a section to be known as Section 18, providing that whenever an incorporated city or town has heretofore qualified and operated under said article, the power and authority given to said city or town under said article shall remain in full force and effect, regardless of any change in the population of said city or town, and validating all expenditures of said city or town made under and by virtue of said article; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

Mr. Hartzog asked unanimous consent to introduce at this time and

have placed on first reading House Bill No. 953.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate committee, as follows:

By Mr. Hartzog:

H. B. No. 953, A bill to be entitled "An Act amending Chapter 76, passed at the First Called Session of the Forty-third Legislature; and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

#### ADJOURNMENT

On motion of Mr. Love, the House, at 5:50 o'clock p. m., adjourned until 10:00 o'clock a. m. Wednesday, April 23.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills, as follows:

Counties: H. B. Nos. 279, 666, 900, 910, 914 and 920.

State Affairs: H. B. Nos. 261, 730 and 871.

Conservation and Reclamation: H. B. Nos. 589, 885 and 902.

Municipal and Private Corporations: H. B. Nos. 860, 939 and 951.

Game and Fisheries: H. B. Nos. 916, 924, 925, 927, 931, 933, 936, 937, 949, 952 and 954.

Committee of Whole House: H. B. No. 941.

Judicial Districts: S. B. No. 312.

Education: H. B. No. 918.

Judiciary and Uniform State Laws: H. B. No. 945.

School Districts: H. B. No. 948; S. B. Nos. 266 and 280.

The Committee on State Affairs filed an adverse report on House Bill No. 103.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 709, "An Act providing in all counties having a population of not less than twenty-nine thousand, two hundred and forty (29,240) and not more than twenty-nine thousand, two hundred and fifty (29,250), according to the last preceding, or any future, United States Federal Census, there shall be imposed upon all male persons the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May first of each year the sum of Three Dollars (\$3); providing for the summoning of persons in said counties for work on the public roads, said summons when issued shall compel the persons to be given notice one full day before they are to report after summons for road duty; fixing age bracket for persons to be summoned; repealing all laws in conflict herewith; and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

#### SENT TO THE GOVERNOR

April 22, 1941

House Bill No. 78.

House Bill No. 110.

House Bill No. 286.

House Bill No. 398.

House Bill No. 489.

House Bill No. 529.

House Bill No. 631.

House Bill No. 749.

House Bill No. 759.

House Bill No. 434.

House Bill No. 804.

House Bill No. 288.

House Bill No. 371.

House Bill No. 235.

House Bill No. 80.  
 House Bill No. 709.  
 House Bill No. 855.  
 House Bill No. 359.  
 House Bill No. 295.  
 House Bill No. 205.  
 House Concurrent Resolution  
 No. 67.  
 House Concurrent Resolution  
 No. 68.  
 House Concurrent Resolution  
 No. 64.  
 House Concurrent Resolution  
 No. 59.  
 House Concurrent Resolution  
 No. 84.

# FIFTY-NINTH DAY

(Wednesday, April 23, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Cleveland
Allen	Coker
Allison	Colson, Mrs.
Alsup	Connelly
Anderson	Craig
Avant	Crossley
Bailey	Crosthwait
Baker	Daniel
Bean	Davis
Bell	Deen
Benton	Dickson of Bexar
Boone	Dickson of Nolan
Brawner	Dove
Bray	Duckett
Bridgers	Dwyer
Brown	Ellis
Bruhl	Eubank
Bullock	Evans
Bundy	Favors
Burkett	Ferguson
Burnaman	Files
Carlton	Fitzgerald
Carrington	Fuchs
Cato	Gandy
Celaya	Gilmer
Chambers	Goodman
Clark	Halsey

Hanna	Martin
Hardeman	Matthews
Hargis	Mills
Harris of Dallas	Montgomery
Harris of Hill	Moore
Hartzog	Morgan
Heflin	Morris
Helpinstill	Morse
Henderson	Murray
Hileman	Nicholson
Hobbs	Pace
Howard	Parker
Howington	Pevehouse
Hoyo	Phillips
Huddleston	Price
Huffman	Rampy
Hughes	Reed of Bowie
Humphrey	Reed of Dallas
Hutchinson	Ridgeway
Isaacks	Rhodes
Jones	Roark
Kelly	Roberts
Kennedy	Sallas
Kersey	Senterfitt
Kinard	Sharpe
King	Shell
Klingeman	Simpson
Knight	Skiles
Lansberry	Smith of Bastrop
Lehman	Smith of Atascosa
Leyendecker	Spacek
Lock	Spangler
Love	Stanford
Lowry	Stinson
Lucas	Stubbs
Lyle	Taylor
McAlister	Thornton
McCann	Turner
McDonald	Vale
McGlasson	Voigt
McLellan	Walters
McMurry	Wattner
McNamara	Weatherford
Manning	Whitesides
Markle	Winfree

# Absent—Excused

Blankenship	Little
Donald	Manford
Garland	White

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, we say that we trust Thee; help us to trust Thee. We profess to seek Thy will; help us really to follow Thy ways. We are grateful for Thy kind providence, and we need wisdom in the distribution of Thy bounties. Give